

INCOMING TELEGRAM

Department of State

25X1

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Control: 5742

Rec'd: FEBRUARY 8, 1963

4:19 PM

FROM: MEXICO CITY

S/S

TO: Secretary of State

NO: 2068, FEBRUARY 8, 1 PM (SECTION ONE OF FOUR)

PRIORITY

ACTION DEPARTMENT 2068; INFORMATION TAMPICO, MATAMOROS,
VERACRUZ, MERIDA UNNUMBERED.

RE DEPTELS 2248, 2299

I HAD FIRST CONVERSATION YESTERDAY WITH TELLO ABOUT CURRENT PROBLEMS RELATED TO US-MEXICAN DISAGREEMENT OVER WIDTH OF MEXICAN TERRITORIAL WATERS. GOROSTIZA AND CARRILLO FLORES WERE ALSO PRESENT. FOLLOWING ARE PRINCIPAL POINTS TOUCHED ON:

FIRST. TELLO CATEGORICALLY REITERATED WELL-KNOWN MEXICAN 9 MILE CLAIM. AS DEPARTMENT KNOWS, MEXICAN CLAIM RESTS SQUARELY ON ITS INTERPRETATION OF TREATY GUADALUPE HIDALGO PLUS US SUPREME COURT DECISION INTERPRETING THAT TREATY IN TEXAS TIDELANDS CASE. WE SHOULD NOT FORGET THAT THE TREATY GIVES MEXICO PEG ON WHICH TO HANG ITS JURIDICAL CASE ADDITIONAL TO ITS INTERPRETATION OF INTERNATIONAL LAW ON THE SUBJECT. WHATEVER THE CHANCES MAY BE OF OBTAINING IN FUTURE MULTILATERAL AGREEMENT OF WORLD WIDE APPLICATION ON GENERAL TERRITORIAL WATERS QUESTION, CHANCES OF US-MEXICAN BILATERAL AGREEMENT WHICH WLD NARROW 9 MILE TERRITORIAL ZONE CLAIMED BY MEXICO IN ANY WAY ARE, IN MY OPINION, ZERO IN THE FORESEEABLE FUTURE. ON THIS POINT, I OF COURSE REITERATED US 3 MILE POSITION. I MADE IT CLEAR THAT A CHANGE IN OUR POSITION WAS NOT UNDER CONSIDERATION IN WASH.

SECOND. I POINTED OUT TO TELLO THAT IT WAS ONE THING FOR TWO

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-2- 2068, FEBRUARY 8, 1 PM (SECTION ONE OF FOUR), FROM:
MEXICO CITY

FRIENDLY POWERS TO DISAGREE ON MATTERS OF INTERNATIONAL LAW AND INTERPRETATION OF TREATIES AND QUITE ANOTHER THING TO USE FORCE AS IN CASES OF SEIZURE OF OUR FISHING VESSELS BEYOND 3 MILE LIMIT WHICH WE CONSIDERED TO BE HIGH SEAS. TELLO'S REPLY WAS A) MEXICO HAD OBVIOUS DUTY PREVENT INTRUSIONS INTO ITS TERRITORY AND B) DUTY APPLIED TO VESSELS OF SOVIET UNION AND OTHER NATIONS AS WELL AS US. I POINTED OUT THIS ARGUMENT ASSUMED KEY POINT AT ISSUE, I.E., LINE OF DIVISION BETWEEN MEXICO'S TERRITORIAL WATERS AND HIGH SEAS, AND WAS THEREFORE UNACCEPTABLE TO US. I ADDED THAT IT WAS FORTUNATE THAT US, UP TO THIS TIME, HAD SEEN FIT TO USE RESTRAINT INSOFAR AS USE OF FORCE WAS CONCERNED. UP TO THIS TIME WE HAD NOT RESISTED FORCE WITH FORCE. IN MORE CONSTRUCTIVE APPROACH GOROSTIZA POINTED OUT THAT IN PAST WE HAD BEEN ABLE TO LIVE WITH THIS DISPUTE BY THE EXERCISE OF RESTRAINT ON BOTH SIDES. HE EXPRESSED HOPE THIS WOULD CONTINUE TO BE TRUE UNTIL TIME ARRIVED WHEN TWO GOVERNMENTS ABLE REACH AGREEMENT ON BASIC ISSUE. I SAID I SHARED THIS HOPE.

I WISH TO POINT OUT IN THIS CONNECTION THAT WHILE I HAVE NO SPECIFIC PROOF TO OFFER, IT WOULD BE PRUDENT FOR US TO RECOGNIZE THAT THE MAJORITY OF OUR SHRIMP FISHERS GO WHERE THE SHRIMP ARE WHENEVER THEY THINK THEY CAN GET AWAY WITH IT WITHOUT TOO MUCH REGARD FOR EITHER THE THREE OR NINE MILE LIMITS. THE LACK OF ANY SEIZURES BETWEEN EARLY APRIL 1962 AND LAST WEEK DOES NOT IN ANY WAY REFLECT EITHER (1) INADEQUATE OR DIMINISHED PATROL CAPABILITY OF MEXICANS, OR (2) LACK OF CONSTANT INCURSIONS OF US FISHING VESSELS INTO 3-9 MILE ZONE TO FISH. THE DEPARTMENT SHOULD UNDERSTAND VERY CLEARLY THAT THE SEIZURES WE COMPLAIN OF ARE, IN ALL PROBABILITY, TOKEN IN CHARACTER AND DESIGNED TO MAINTAIN A CONSISTENT JURIDICAL POSTURE.

MANN

MRJ

CONFIDENTIAL

NOTE: Mr. Sayre (ARA) notified. Read by Mr. Sullivan (UFW) 2/8/EH

INCOMING TELEGRAM

Department of State

25X1

CONFIDENTIAL

53-M
Action
ARAControl: 5835
Rec'd: FEBRUARY 8, 1963
5:43 PM

FROM: MEXICO CITY

S/S

TO: Secretary of State

NO: 2068, FEBRUARY 8, 1 PM (SECTION TWO OF FOUR)

PRIORITY

ACTION DEPARTMENT 2068, INFORMATION TAMPICO, MATAMOROS,
VERA CRUZ, MERIDA UNNUMBERED

IN THE PAST THE MEXICAN GOVERNMENT HAS ACTED FROM TIME TO TIME WHEN MEXICAN SHRIMPERS CRITICIZE PUBLICLY AND IN THE PRESS THE MEXICAN NAVY FOR NOT ENFORCING MEXICAN LAW. WE ARE OBVIOUSLY NOW IN ONE OF THOSE PERIODS WHERE THE GOM CONSIDERS IT MUST REACT TO DOMESTIC PRESSURES. I CANNOT PROMISE THAT AFTER THIS FLURRY OF ARRESTS AND FINES THINGS WILL CALM DOWN AGAIN FOR A WHILE BUT THIS IS A STRONG POSSIBILITY.

3. CARRILLO FLORES MENTIONED THE POSSIBILITY OF NEGOTIATING A BILATERAL FISHERIES AGREEMENT. NEITHER TELLO NOR I FOLLOWED UP ON THIS BECAUSE TELLO WAS OBVIOUSLY NOT PREPARED AND BECAUSE I WAS NOT AWARE OF THE DEPARTMENT'S CURRENT THOUGHTS ON THIS SUBJECT.

I BELIEVE THIS APPROACH OFFERS BEST POSSIBILITY AVERTING A SHOWDOWN ON JURISDICTIONAL ISSUE UNTIL SUCH TIME AS BROAD MULTILATERAL AGREEMENT CAN BE REACHED. I RECOMMEND THIS APPROACH FOR DEPARTMENT'S URGENT CONSIDERATION AND FOR EARLY BILATERAL NEGOTIATIONS CONDUCTED EITHER HERE OR IN WASHINGTON.

IN THIS CONNECTION, OUR RECORDS INDICATE THAT U/FW REPORTED TO LINDNER AT NATIONAL FISHERY INSTITUTE MEETING HELD IN NEW ORLEANS LAST APRIL THAT THE "LEGAL SECTION OF STATE WOULD GO ALONG WITH NEGOTIATING A SHRIMP TREATY WITH MEXICO INCLUDING 9 MILES FOR FISHERY JURISDICTION". APPARENTLY MEXICAN SHRIMP

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